

REMARKS

The present application was filed on January 27, 1999 with claims 1-20. Claims 1-20 remain pending in the present application. Claims 1, 10, 19 and 20 are the independent claims.

Claims 1-20 stand rejected under §112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants thank the Examiner for the courtesies extended in a telephonic interview with the undersigned conducted on September 20, 2004. In the interview, the §112 rejection was discussed, but no agreement was reached.

Reconsideration of the present application is respectfully requested in view of the above amendments and the remarks below.

Applicants respectfully traverse the §112 rejection for the reasons outlined in their previous response. Nonetheless, in order to expedite prosecution, Applicants have amended the claims.

In this response, Applicants amend claims 1, 2, 10, 11, 19 and 20 to clarify the subject matter which Applicants regard as the invention. More specifically, each of the independent claims has been amended to remove the limitations added by the previous amendment, and to specify instead that a given one of the programs comprises a stereo audio program having two or more audio channels. Support for the amendment can be found in the specification at, for example, page 1, lines 17-27, and page 6, lines 5-15.

The present invention is in contrast to conventional arrangements, such as those described in the Smyth reference, U.S. Patent No. 5,956,674, in which adaptive bit allocation is applied to channels of a single stereo audio program, rather than to multiple programs each of which may itself comprise a stereo audio program. For example, at column 6, lines 57-61, Smyth indicates that the channels of the encoder 12 in FIG. 2 correspond to "left front, center, right front, left rear and right rear." These are the various components of a single stereo audio program. Joint multiple program of the type claimed, where a given one of the programs is itself a stereo audio program having two or more audio channels, is not taught or suggested by Smyth.

Amendments have been made to dependent claims 2 and 11 in order to maintain consistency with their respective independent claims.

Accordingly, claims 1-20 as amended are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joseph B. Ryan". The signature is written in black ink and is positioned above the printed name and address.

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